

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA
v.
ROBERT MCQUILKIN

CRIMINAL ACTION

No. 94-356-01

08-MC-186-FILE

ENTERED

APR 29 2010

CLERK OF COURT

MEMORANDUM/ORDER

Defendant Robert McQuilkin has filed two applications for leave to appeal *in forma pauperis* in this case. The first of these applications (docket no. 138), while listing the docket number of this case, is relevant to McQuilkin's motion for a writ of *audita querela*. That motion is part of a separate action, case number 08-mc-186. The Clerk will therefore be directed to enter the first application in the docket of that action.

The second application (docket no. 139) is relevant to defendant's appeal from this court's order denying his motion for relief under 18 U.S.C. § 3582(c)(2) (docket no. 132). While that application generally complies with Federal Rule of Appellate Procedure 24(a)(1), it does not include a "statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in [defendant's] institutional accounts." Fed. R. App. P. Form 4. Such a statement is required to complete defendant's application.

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AND NOW, this day of April, 2010 it is hereby ORDERED as follows:

- (1) The Clerk is directed to enter defendant's first Application to Proceed *In Forma Pauperis* (docket no. 138) to the docket of case number 08-mc-186;
- (2) Defendant shall, no later than twenty (20) days after the date on this order, supplement his Application for Leave to Appeal *In Forma Pauperis* (docket no. 139) in this matter, and the Application for Leave to Appeal *In Forma Pauperis* in case number 08-mc-186, with a statement of his prison accounts over the past six months.

BY THE COURT:

Luc H. Pollak
Pollak, J.